



City of Manitowoc

900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes Common Council

Monday, August 17, 2015

6:30 PM

Council Chambers

A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 6:30 p.m.

B. ROLL CALL

Alderspersons Present: 10 - Allan Schema, Patrick Brandel, Dave Soeldner, Jim Brey, Jill Hennessey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able and Eric Sitkiewitz

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PRESENTATIONS

[15-764](#)

Tom Karman, CPA Shareholder Schenck, SC. review of 2014 Comprehensive Annual Financial Report (CAFR) and Management Letter

Attachments: [2014 Management Letter](#)

[2014 Comprehensive Annual Financial Report](#)

[15-818](#)

Peter Wills of Progress Lakeshore will have bi-annual update.

Attachments: [progress lake.pdf](#)

E. PUBLIC HEARINGS

[15-871](#)

6:35 p.m. - Public Hearing for the purpose of hearing any and all interested parties in the matter of the Analysis of Brownfield Cleanup Alternatives at the former Mirro Plant 3 building located at 2402 Franklin Street, Manitowoc, Wisconsin.

Mayor Nickels declared the meeting open for a public hearing. Notice of the hearing was published in the Herald Times Reporter on July 19, 2015. (Proof of publication is on file in the Clerk's office). No interested parties addressed the Council. Mayor declared the public hearing closed.

F. PUBLIC INPUT

Mayor declared the meeting open for public input. In accordance with policy, the public input portion of the meeting is not made a part of the official record.

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G. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

[15-832](#) Communication from Mayor Justin M. Nickels submitting his veto of Resolution 15-580 for storm sewer connection fee refunds.

Attachments: [15-832Veto.pdf](#)

Moved by Soeldner, seconded by Brey, to override the Mayor's Veto. The motion carried by the following vote:

Aye: 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans and Sitkiewitz

Nay: 1 - Able

[15-828](#) Appointment of Tyler Caulum in place of Kathleen McDaniel on Sustainable Manitowoc Committee for unexpired term ending 2/15/18.

Moved by Sitkiewitz, seconded by McMeans, that this Appointment be confirmed. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

H. CONSENT AGENDA

1. Removal of Consent Agenda Items: None

Approval of the Consent Agenda

Moved by Sitkiewitz, seconded by McMeans, to accept the Consent Agenda Items and recommendations of the various committees The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

2. Miscellaneous

[15-827](#) Minutes of Common Council meeting of July 20, 2015, recommending approval and place on file.

Attachments: [15-827.pdf](#)

[15-830](#) Minutes of Community Development Authority of 5/13/15 and 6/10/15; Manitowoc Public Utilities Commission of 5/26/15; Police and Fire Commission of 6/9/15, recommending acceptance and place on file.

Attachments: [15-830.pdf](#)

[15-833](#) Public Notice from Wisconsin Dept. of Natural Resources of air pollution permit application review of Manitowoc Public Utilities, 701 Columbus St., recommending placing on file.

Attachments: [15-833.pdf](#)

3. Committee of the Whole (Consent)

[15-868](#) Report of Special Events Committee recommending approval of the following events subject to Council action: Lincoln High School Homecoming Parade on 10/9/15 (street closures), recommending acceptance of report and approval of recommendations.

Attachments: [LHS Home Parade.pdf](#)
[report \(2\).pdf](#)

[15-869](#) Report of Special Events Committee relative to approval of the following events: Request to waive fee for delivery of traffic control items for Neighborhood Watch Block Party in the 1700 block of S. 13th Street (recommending denial); Residential Block Party in 2100 block of S. 22nd St.; Grow it Forward National Night Out at Community Garden; Residential Block Party in 800 block of Indian Bluff Dr.; Residential Block Party in 2600 block Knuell St.; Residential Block Party in 1000 block of N. 16th St.; Lincoln High School Homecoming Fireworks; Residential Block Party in Kuhl St., recommending acceptance of report and place on file.

Attachments: [report \(3\).pdf](#)
[Block S13.pdf](#)
[block S22.pdf](#)
[NatNightOut.pdf](#)
[BlockIndianBluff.pdf](#)
[BlockKnuell.pdf](#)
[BlockN16.pdf](#)
[LHSFire.pdf](#)
[BlockKuhl.pdf](#)

4. Finance Committee (Consent)

[14-1247](#) Summons and Complaint of CVS Pharmacy, Inc. vs. City of Manitowoc, Case No. 14 CV 247, of June 4, 2014, recommending placing on file (case settled).

Attachments: [14-1247.pdf](#)

[15-819](#) General City Claims enumerated on list thereof, recommending that the claims be allowed and ordered paid and Mayor, Clerk and Finance Director/Treasurer are instructed to issue the necessary order.

Attachments: [15-819.pdf](#)

5. Licensing, Permits and Inspections Committee (Consent)

[15-811](#) Agreement with Headwaters Resources 1, LLC for GIS services, recommending approval of the contract.

Attachments: [15-811.pdf](#)

[15-845](#) Report of City Plan Commission (PC 1-2015) relative to quit claim deed from John S. Lukas for Ebony Avenue purposes with quit claim deed attached, recommending acceptance of deed and place on file.

Attachments: [15-845.pdf](#)

[15-846](#) Report of City Plan Commission (PC 1-2015) relative to quit claim deed from Abbey Ridge LLC for Ebony Avenue purposes with quit claim deed attached, recommending acceptance of deed and place on file.

Attachments: [15-846.pdf](#)

[15-847](#) Report of City Plan Commission relative to request from Kaysun Corporation for a release of easement at 5500 West Drive which request was subsequently withdrawn, recommending no Council action be taken and place request on file.

Attachments: [15-847.pdf](#)

[15-852](#) Report of Plan Commission relative to Manitowoc County tax foreclosure properties expressing no interest in pursuing acquisition of any of the properties, recommending placing on file.

Attachments: [15-852.pdf](#)

[15-854](#) Report of Plan Commission relative to request for a non-animated billboard at 1320 Washington Street, Novak's Service Center along with a request that in lieu of landscaping around the base of the sign, a \$1,000 donation be given to the Park Board, recommending approval of the off-premise billboard and denial of the payment in lieu of landscaping and that the landscaping be completed per the sign ordinance.

Attachments: [15-854.pdf](#)

[15-855](#) Report of Plan Commission relative to request for a fixed animated sign at Cenex Convenience Store, 311 N. Rapids Rd., recommending approval of the request.

Attachments: [15-855.pdf](#)

[15-856](#) Report of Plan Commission relative to request from John Thompson for placement of fill in a P-1 Conservancy District off of Menasha Avenue, recommending approval.

Attachments: [15-856.pdf](#)

[15-857](#) Report of Plan Commission's annual review of Ramirez Auto Repair and Towing's conditional use permit for operation of a wrecker service at 1545 S. 41st Street, recommending that Council renew the 2014 CUP for 2015 with an annual review in July, 2016.

Attachments: [15-857.pdf](#)

[15-860](#) Report of Plan Commission relative to status of extension of a special permit for a parking lot in a residential district for Saunders at 1205 S. 13th Street and recommends that Council extend permit to September 30, 2015 and if upgrades are not made to the parking lot to appease the Code, a citation will be sent after September 30th.

Attachments: [15-860.pdf](#)

6. Parks and Recreation Committee (Consent)

[15-770](#) Request from Edgar J. Hansen, CSM (ret) 32nd Red Arrow Infantry Brigade Combat Team, to provide necessary documentation required by TACOM to obtain a piece of military equipment for display at Red Arrow Park, recommending granting approval for south hill of Red Arrow Park for placement of military equipment by Mr. Edgar Hansen

Attachments: [15-770 Military equip for Red Arrow](#)

[15-836](#) Quit Claim Deed from Manitowoc County for purchase of vacant land on Reed Avenue by Little Manitowoc River for park purposes, recommending acceptance of deed and place on file.

Attachments: [15-836.pdf](#)

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

[15-820](#) Report of the Board of Public Works of August 5, 2015, of quotes received for ferric chloride for the Wastewater Treatment Facility, recommending awarding the low quote to Kemira Companies, Inc.

Attachments: [15-820 Report.pdf](#)

[15-821](#) Report of Board of Public Works of August 5, 2015 for Park Maintenance Building Roof for 1st and Final Payment to Schaus Roofing and Mechanical in the amount of \$14,940.00, recommending payment.

Attachments: [15-821.pdf](#)

[15-822](#) Report of Board of Public Works of August 5, 2015 for Hexagon Park Shelter Roof at Lincoln Park for 3rd and Final Payment to Jim Reif Builders, Inc. in the amount of \$6,807.00, recommending payment.

Attachments: [15-822.pdf](#)

[15-823](#) Report of Board of Public Works of August 5, 2015 for Service Counter and Roll-up Door at City Hall for 1st and Final Payment to Hamann Construction Co. in the amount of \$14,791.00, recommending payment.

Attachments: [15-823.pdf](#)

[15-825](#) Report of Board of Public Works of July 8 & 22, 2015 on 2014 special assessments, recommending acceptance of report and approval of the assessments.

Attachments: [15-825.pdf](#)

[15-826](#) Report of Board of Public Works of July 22, 2015 setting ten year installment plan interest rate at 7.5% for 2014 assessments levied in 2015, recommending acceptance of report and place on file.

Attachments: [15-826.pdf](#)

[15-858](#) Report of Board of Public Works of August 12, 2015 for Re-roof and Re-side garage at Gravel Pit for 4th and Final Payment to Mike Check Builders, Inc. in the amount of \$1,155.40, recommending payment.

Attachments: [15-858.pdf](#)

[15-859](#) Progress Invoice from Wisconsin Dept. of Transportation in the amount of \$63.86 for 8th Street, Madison St - Washington St, Project No. 4347-04-71, recommending payment.

Attachments: [15-859.pdf](#)

9. Public Safety Committee (Consent)

[15-682](#) EMS contract for the Expo events for the County Fair, recommending approval of the contract.

Attachments: [PS 15-682 Ambulance Agrmnt -Expo](#)

[15-707](#) Request from L Wagner for extension of noise curfew for "Campfest" at Mtwc Co Expo/Fair Grounds Friday September 11 and Saturday September 12, 2015, recommending approval of request.

Attachments: [PS 15-707 Wagner Campfest Noise](#)

[15-728](#) Key Performance 2nd Quarter - Fire Department, recommending acceptance and place on file.

Attachments: [PS 15-728 MFD Performance 2nd Qtr](#)

[15-729](#) Fire Department monthly report - June 2015, recommending acceptance and place on file.

Attachments: [PS 15-729 MFD - June 2015](#)

[15-745](#) Police Department monthly report - June 2015, recommending acceptance and place on file.

Attachments: [PS 15-745 MTPD June 2015](#)

[15-747](#)

Firefighter/Paramedic Tyler Kiel request for permission to hold MFD Local 368 7th Annual MDA Fill the Boot Drive on August 13, 14 & 15, 2015 to benefit local children who suffer from Muscular Dystrophy, recommending approval of the request.

Attachments: [PS 15-747 Fill the Boot 2015](#)

I. STANDING COMMITTEE REPORTS

1. Committee of the Whole

2. Finance Committee

[15-734](#) 2014 Comprehensive Annual Financial Report & Management Letter from Schenck, SC

Attachments: [management letter.pdf](#)

[2014 Comprehensive Annual Financial Report](#)

Moved by McMeans, seconded by Brandel, that this Report be accepted and placed on file. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-815](#) Resolution to borrow \$184,713 for a 20 year period from the Board of Commissioners of Public Lands of Wisconsin (State Trust Fund Loan) to be used for financing affordable housing units as part of Mirro Plant #3 renovation.

Attachments: [20150806213657870](#)

Moved by McMeans, seconded by Brandel, that this Resolution be approved. The motion carried by the following vote:

Aye: 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, McMeans, Able and Sitkiewitz

Abstain: 1 - Sladky

[15-848](#) Report of Plan Commission relative to proposed creation of new Tax Incremental Financing (TIF) District No. 18 (Mid Cities Mall area), recommending to Council that staff is authorized to proceed with creation of TID 18.

Attachments: [15-848.pdf](#)

Moved by McMeans, seconded by Brandel, that this Report be accepted and placed on file. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-849](#) Report of Plan Commission relative to proposed amendments to the Project Plan for Tax Incremental Financing (TIF) District No. 15 (Harbor Town and Dewey Street area) and proposed resolution adopting the amendments, recommending approval of the amendments to the project plan as well as the resolution.

Attachments: [15-849.pdf](#)

Moved by McMeans, seconded by Brandel, that this Report be accepted and placed on file. The motion carried by the following vote:

Aye: 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans and Sitkiewitz

Nay: 1 - Able

[15-851](#) Resolution to approve Project Plan Text Amendment No. 3 to Tax Incremental Financing District No. 15.

Attachments: [15-851.pdf](#)

Moved by McMeans, seconded by Brandel, that this Resolution be adopted. The motion carried by the following vote:

Aye: 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans and Sitkiewitz

Nay: 1 - Able

[15-861](#) Resolution to approve hiring of a replacement Account Clerk position within the Finance Department, at Grade E, according to the Compensation Plan and Employee Policy Manual.

Attachments: [15-861.pdf](#)

Moved by McMeans, seconded by Brandel, that this Resolution be adopted. The motion carried by the following vote:

Aye: 8 - Schema, Brandel, Brey, Hennessey, Howe, McMeans, Able and Sitkiewitz

Nay: 2 - Soeldner and Sladky

3. Licensing, Permits and Inspections Committee

[15-712](#) Ordinance amending MMC 12.050 granting the MPU Commission to enter into construction contracts up to \$5,000,000 and sell electrical services outside of the City

Attachments: [15-712.pdf](#)
[15-712amend.pdf](#)

Moved by Brey, seconded by Howe, that this Ordinance be adopted as amended by the Committee from \$4,000,000 to \$5,000,000. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-812](#) Proposal for full-time Electrical Inspector.

Attachments: [Electrical Inspector JD 4.2013.pdf](#)
[Memo-Electrical Inspector Proposal.pdf](#)
[Revised Memo.pdf](#)

The Committee's recommendation to approve the request providing that the Community Development Director provide accurate electrical inspection records was amended requesting the Mayor to include in 2016 Budget.

The tie vote was broken by Mayor Nickels who voted aye. Item was tabled. Ayes, 6. Nays, 5.

Moved by Sladky, seconded by Able, that this Proposal be tabled. The motion failed by the following vote:

Aye: 5 - Schema, Soeldner, Brey, Hennessey and Sitkiewitz

Nay: 5 - Brandel, Howe, Sladky, McMeans and Able

[15-813](#) Resolution to revise land sale credit policy for Manitowoc I-43 Industrial Park with similar resolution by Industrial Development Corporation attached.

Attachments: [15-813IndDev.pdf](#)

[15-813 \(2\).pdf](#)

Moved by Brey, seconded by Howe, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-853](#) Report of Plan Commission relative to a request from TLC Homes Inc. for a conditional use permit for an adaptive reuse at 1004 N. 17th Street for an adult day care facility and office use recommending denial of the request for the reasons stated in the report.

Attachments: [15-853.pdf](#)

Moved by Brey, seconded by Howe, to deny issuing a CUP to TLC Homes, Inc. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-862](#) Ordinance to recreate Section 11.010(11) of the Municipal Code authorizing the issuance of "Class A" Cider licenses.

Attachments: [15-862.pdf](#)

Moved by Brey, seconded by Howe, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-863](#) Report of Licensing, Permits and Inspections Committee with the following licenses for granting: No. AMC-1501, "Class A" Cider license of Kwik Trip Inc. 637, Jamie Vergenz, Agent, 401 N. 8th St.; No. AMC-1502, "Class A" Cider license of Kwik Trip Inc. 656, Kristine Traeger Agent, 2315 Menasha Ave.; No. AMC-1503, "Class A" Cider license of Kwik Trip, Inc. 636, Tanya Lehman, Agent, 2819 Meadow Lane; No. AMC-1504, "Class A" Cider license of Kwik Trip, Inc. 627, Donald Ziegler, Agent, 910 Hamilton St.; No. AMC-1505, "Class A" Cider license of Kwik Trip, Inc. 611, Kimberly Kennedy, Agent, 2102 Washington St.; No. AMC-1506, "Class A" Cider license of Kwik Trip, Inc. 491, John DuPont, Agent, 2103 S. 42nd St.; No. TAV-1541 Eastwynn Theatres, Inc., change of agent to Bonnie Ruotsala, 2555 S. 44th St.

Attachments: [15-863.pdf](#)

Moved by Brey, seconded by Howe, that these licenses be granted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-870](#) Resolution to increase the Electrical Inspector position from part-time to full-time, effective January 1, 2016.

Attachments: [15-870.pdf](#)

Clerk's Note: Recommendation to Mayor to place in 2016 Budget.

Moved by Brey, seconded by Howe, that this Resolution be placed on file. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

4. Parks and Recreation Committee

[15-670](#) Silveridge Park options

Attachments: [15-670 Silver Ridge Aerial](#)
[15-670 Silveridge playground examples](#)
[15-670 Silveridge Survey Results - 2015](#)

This Action Item was not adopted but tabled.

Moved by McMeans, seconded by Sladky, that this Action Item be tabled. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-761](#) Resolution creating parkland dedication fees leveraging policy.

Attachments: [15-761 Act 44 article](#)
[15-761 Revised Parkland Policy](#)

Community Development Director Nic Sparacio and City Attorney Kathleen McDaniel explained the policy and parkland dedication.

This Resolution was not adopted but referred back to Parks and Recreation Committee.

Moved by Brey, seconded by Sladky, that this Resolution be referred to the Parks & Recreation Committee. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-829](#) Contract with Miller & Associates-Sauk Prairie Inc. to furnish labor, equipment and material to install playground equipment at Red Arrow Park.

Attachments: [15-829.pdf](#)

Moved by Sladky, seconded by Schema, that this Contract be entered into. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-844](#) Contract with Lakeland Landscape Service to furnish labor and material to provide landscaping at the Rahr West Art Museum for the sum of \$7,322.00.

Attachments: [15-844.pdf](#)

Moved by Sladky, seconded by Schema, that this Contract be entered into. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

5. Personnel Committee

[15-824](#) Resolution approving the Training, Membership and Tuition Reimbursement Policy effective January 1, 2016.

Attachments: [15-824.pdf](#)

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-840](#) Resolution increasing the Municipal Judge's salary effective May 1, 2016 and May 1, 2018.

Attachments: [15-840.pdf](#)

Moved by Hennessey, seconded by Able, that this Resolution be adopted as amended. The motion carried by the following vote:

Aye: 7 - Schema, Brandel, Brey, Hennessey, Howe, McMeans and Able

Nay: 3 - Soeldner, Sladky and Sitkiewitz

Moved by Brey, seconded by McMeans, that this Resolution be amended to remove the language "and increasing to \$2,014 per month effective May 1, 2018" from the last paragraph of the resolution. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

[15-841](#) Resolution to approve the revised job description and reclassification of the DPI Administrative Assistant from Grade G to Grade H, Step 1, of the Compensation Plan, effective upon passage of this resolution.

Attachments: [15-841.pdf](#)

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

6. Public Infrastructure Committee

7. Public Safety Committee

[15-740](#) Petition requesting reconsideration of the denial of document 15-615 requesting waiver of hazmat fee.

Attachments: [PS 15-740 Koschnick Appeal 201508140806.pdf](#)

Moved by Sladky, seconded by McMeans, that this Petition be approved to waive the hazmat fee. The motion carried by the following vote:

Aye: 7 - Schema, Soeldner, Brey, Hennessey, Howe, Sladky and McMeans

Nay: 3 - Brandel, Able and Sitkiewitz

[15-742](#) Ordinance to amend Section 10.490 establishing two-hour parking zones on Chicago Street.

Attachments: [15-742.pdf](#)

Moved by Able, seconded by Sitkiewitz, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

J. OTHER BUSINESS

K. ADJOURN

Meeting adjourned at 8:33 p.m.

**Jennifer Hudon
City Clerk**